

REMARKS/ARGUMENTS

As an initial matter, it is noted that a nonstatutory double patenting rejection over this application was made in companion case Serial No. 09/886,360, in response to which a Terminal Disclaimer is being filed. To avoid any delay in allowance of the claims in this application, submitted herewith is a Terminal Disclaimer with respect to Serial No. 09/886,360 pursuant to 37 CFR § 1.321(c). The present application and Serial No. 09/886,360 are commonly owned as shown by respective Assignments, recorded respectively at Reel 012048, Frame 0546 and Reel 012162, Frame 0750; additionally, copies of the respective Assignments and recording documents are enclosed.

Referring to the rejection under 35 U.S.C. § 112, second paragraph, relevant claims have been amended to refer to an interactive region, rather than a sample chamber; see paragraph [0033], line 5. In Claim 1, step (b), the phrase "having an inlet for receiving a fluid and an outlet for discharging effluent" has been changed to: "for receiving a fluid and discharging effluent". The objected to dash in claim 22 was actually a strikethrough of the comma at that location. The phrase "field material, carrying" is now shown as "field material carrying" as intended.

The rejection of claims 1 – 2, and 4 – 24 under 35 U.S.C. § 103(a) as unpatentable over Landing et al. (WO 99/37996) in view of Beregovski, et al. is respectfully traversed. The Examiner acknowledges that "Lading et al. do not specifically disclose placing a phase section in its sensor laser, " but that is an understatement. A thorough reading of Lading et al. reveals no mention at all of any phase control section.

Beregovski et al. is not a proper secondary reference as they do not have an interaction region separate and physically spaced from a phase control section, as required by the claims. They apply their sensitive coating directly to the phase sections. Indeed, Beregovski et al. teach away from the invention in that they describe the phase section, or the phase section and grating, of the sensing layer as covered with a layer

sensitive to the chemical in question (page 117, paragraph 2.1 with regard to Figure 1 of Beregovski et al.).

The rejection of claim 3 under 35 U.S.C. § 103(a) as unpatentable over Landing et al. and Beregovski, et al. further in view of Seul et al. is respectfully traversed. Not only does Seul et al. not have anything to do with the above-discussed limitation, but it has nothing to do with an integrated optical chip device using heterodyning lasers.

Applicant submits that the claims are in condition for allowance and respectfully solicits a Notice of Allowance.

The Commissioner is hereby authorized to charge payment of any fees required associated with this communication or credit any overpayment to Deposit Account No. 50-0337. If an extension of time is required please consider this a petition therefor and charge any additional fees which may be required to Deposit account No. 50-0337. A duplicate copy of this paper is enclosed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Robert Berliner', is written over a horizontal line.

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